

On Fri, Jan 21, 2022 at 1:11 PM Erin Adams <erin.adams@lp.org> wrote:

Members of the Judicial Committee,

When the board passed the resolution concerning the situation in Delaware, I voted in support of this resolution.

Since the time of that vote however, I have taken a deeper dive into ronr, and now feel that the resolution is not legal. If the vote were to be taking place next week, I would certainly vote differently than I did at the Boston meeting.

I have attached a brief explaining why I feel the way I do currently

Erin Adams region 7 Representative

## Memorandum

TO: Judicial Committee

FROM: Erin Adams

DATE: January 20, 2022

SUBJECT: Matters regarding the Libertarian Party of Delaware

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### **Mass meetings are improper for organized bodies.**

#### **Issue I**

On December 5, 2021 The Libertarian National Committee passed a motion in the Delaware matter suggesting the current party affiliate under the leadership of Will McVay (McVay Group), and the group under the leadership of Bill Hines (Hines Group) should hold competing mass membership meetings (mass meeting) to determine the leadership of the Libertarian Party of Delaware (LPD). Was the LNC's motion for these groups to hold a mass meeting correct, and can organized groups properly hold mass meetings as described in Roberts Rules of Order Newly Revised (RONR)?

#### **Rule**

“§53. MASS MEETINGS Distinguishing Characteristics of a Mass Meeting

53:1 A mass meeting, as understood in parliamentary law, is a meeting of an unorganized group, which—in a publicized or selectively distributed notice known as the call of the meeting—has been announced: as called to take appropriate action on a particular problem or toward a particular purpose stated by the meeting's sponsors, and as open to everyone interested in the stated problem or purpose (or to everyone within a specified sector of the population thus interested).”<sup>1</sup>

#### **Reasoning**

In the LNC motion on December 5<sup>th</sup>, the LNC required that the current affiliate, the Libertarian Party of Delaware, along with the Hines Group, hold a mass membership meeting to determine the leadership of the LPD. Under §53, only unorganized groups can hold mass meetings, therefore the directive that the LPD should hold such a meeting is improper.

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<sup>1</sup> Robert, Henry M.. Robert's Rules of Order Newly Revised, 12th edition (pp. 497-498). Kindle Edition.

The general membership meeting falls under the definition of mass meeting for the Hines Group since it is not organized, and the LPD has by-laws which define their meetings and their convention, none of which are mass membership meetings. To be clear, the LNC has called for a mass meeting as defined in §53 of RONR.

Aside from the directive in RONR that mass meeting are only reserved for unorganized bodies, there are several features of a mass meeting that are at odds with the workings of an organized body. One of those features is that the mass meeting notice is required to be in the title of the meeting, and will have the same affect and power of a by-law; “In any event, without adoption at a mass meeting and regardless of what rules the meeting may adopt, the provisions of the call, specifying the meeting’s purpose and those invited to attend it, have a force equivalent to bylaws of an organized society; that is, they define the subject matter within which motions or resolutions are in order, and determine who have the right to participate as members (see also 53:7, 53:14–17).”<sup>2</sup>

It would be improper for an organization that has by-laws, to be required to disregard their existing by-laws to give parliamentary authority contained in the notice of a mass meeting. No such parliamentary authority exists for the LPD, and it is improper to require them to do so, since they are *organized*, with their own by-laws, and not *unorganized* as required in section 53.

Additionally, mass meetings have quorum requirements that would conflict with the quorum requirements for the LPD.<sup>3</sup> There is also no existing framework within the LPD that would allow them to remove their leadership and replace it with leadership chosen at a separate meeting. Since the LPD clearly defines that their convention is the proper venue to choose leadership, the LNC suggesting another method, or that any other organization may replace the LPD leadership simply by having more attendees at a *mass meeting*, violates LPD’s own requirements and by-laws.

Since there are no parameters in the December 5<sup>th</sup> motion, there is no requirement that Hines Group even be the ones to hold a mass meeting. The thoughtless way the motion is worded, any group, at any point in the future, may hold such a meeting and become the legitimate leadership of the affiliate. There is no requirement that group must contain any of the current, aggrieved Hines Group members. Was this the intent of the original motion?

### **Requiring a mass meeting to determine internal leadership interferes with affiliate autonomy.**

#### **Issue II**

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<sup>2</sup> Robert, Henry M.. Robert's Rules of Order Newly Revised, 12th edition (p. 500). Kindle Edition.

<sup>3</sup> 1) In a mass meeting, the quorum is simply the number of persons present at the time, since they constitute the entire membership at that time. Robert, Henry M. Robert's Rules of Order Newly Revised, 12th edition (pp. 338-339). Kindle Edition.

Does allowing an unorganized group to challenge the leadership of the LPD, and replace it through a contest, amount to interfering in the autonomy of an affiliate?

**Rule**

5. The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party, except as provided by these bylaws.

6. The National Committee shall have the power to revoke the status of any affiliate party, for cause, by a vote of 3/4 of the entire National Committee.<sup>4</sup>

**Reasoning**

On December 5<sup>th</sup>, the LNC did not exercise the option of disaffiliation, which was the only the only action available to the committee. By not disaffiliating LPD, the committee affirmed that the affiliate remains in its relationship with the committee. Arguments about the internal leadership of the LPD are not issues the LNC take up, whether some of the committee members are confused about the matter or not. Any other action by the committee in regard to its relationship to its affiliate, besides disaffiliation, are an abridgement of Article 5 §5.

The pertinent question here is; does Delaware currently have an affiliation with the national party? Since the LNC declined to disaffiliate, then that affiliate relationship remains. Since that relationship still exists, then all questions related to the existence of the affiliate are meaningless.

Since the LNC may only disaffiliate a state affiliate, and declined to do so on December 5<sup>th</sup>, therefore the affiliate remains in legal standing. The LNC's refusal to disaffiliate serves to recognize that continuing relationship. Any other demand, or action, by the LNC is an abridgment of that affiliate's autonomy.

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<sup>4</sup> Libertarian Party Bylaws and Convention Rules, ARTICLE 5: AFFILIATE PARTIES, §§5-6.